Court No.2

Civil Misc. Writ Petition No. 5362 (M/S) of 2001

Malkeet Singh and another ..... Petitioners.

Versus

Deputy Director of Consolidation/
Collector, Nainital and two others. ..... Respondents.

.....

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioners against the order dated 09.8.2001 passed by Deputy Director Consolidation /Collector, Nainital, rejecting the application under Section 5 of Limitation Act alongwith revision as well.

According to the learned counsel for the petitioner, the revision was filed with delay of about two months and a week and this delay was sufficiently explained by him. The delay occurred due to the Advocates were abstaining from the work in the Courts, though he had handed over the papers to his counsel but the same could not be filed within time. The abstention from the work by the Advocates was within the knowledge of the Deputy Director Consolidation. He ought to have condoned the delay as the reason was sufficiently explained.

Therefore, the order dated 09.8.2001 is hereby set aside and the delay in filing the revision is condoned. The revision is restored. The Deputy Director Consolidation/Collector, Nainital is directed to decide the revision within a period of two months from the date of production of certified copy of this order.

With the aforesaid observation, the petition is disposed of.

(P.C. Verma, J.)

11.7.2002
P.Singh